

MINUTES
SAN DIEGO COUNTY PLANNING COMMISSION
Regular Meeting – December 5, 2008
DPLU Hearing Room, 9:00 a.m.

The meeting convened at 9:07 a.m., recessed at 10:30 a.m., reconvened at 10:52 a.m., recessed at 11:52 a.m., reconvened at 1:09 p.m., recessed at 2:34 p.m., reconvened at 2:46 p.m. and adjourned at 4:07 p.m.

A. ROLL CALL

Commissioners Present: Beck, Brooks, Day, Pallinger, Riess, Woods

Commissioners Absent: Kreitzer

Advisors Present: Areigat, Bankston, Goralka (DPW); Lanzafame, Mehnert (OCC)

Staff Present: Baca, Beddow, Blackson, Campos, Farace, Gibson, Giffen, Gonzales, Griffith, Hingtgen, Loy, Maxson, Murphy, Oberbauer, Ramaiya, Russell, Wright, Jones (recording secretary)

B. Statement of Planning Commission's Proceedings

C. Public Communication: Opportunity for members of the public to speak to the Commission on any subject matter within the Commission's jurisdiction but not an item on today's Agenda.

Gil Jemmott, representing the Twin Oaks Sponsor Group, discusses how CEQA deadlines impact Planning/Sponsor Group review and comment on project issues. Staff reminds the Planning Commissioners that the 10-day time period is statutory, but Commissioner Beck reminds Staff that the process must encourage public input and information.

D. Announcement of Handout Materials Related to Today's Agenda Items

E. Formation of Consent Calendar: Items 6, 7, 8, 9, 11 and 12

P02-019, Agenda Item 1:**1. T.E.R.I., Inc., Educational Facility, Major Use Permit P02-019, North County Metropolitan Subregional Plan Area**

Requested Major Use Permit (P02-019) for a private educational, training and research facility for individuals with developmental and learning challenges. The project is classified as a "Major Impact Services and Utilities" Use Type, which is permitted with the approval of a Major Use Permit within the A70 (Limited Agricultural) zone. Implementation of the proposed project would include the construction of 11 new buildings to house classrooms, administration, vocational training, maintenance/storage, recreation, childcare, and horse keeping. The total new building area would be 90,675 square feet and the existing historic Merriam House would be incorporated into the project, resulting in a total project build-out of 92,700 square feet. A total of 305 children and adult students, and 204 staff persons, would use the facilities Monday through Friday. Saturday activities would include recreational programs. The project includes 287 parking spaces. The General Plan Designation on the project site, which is located at 555 Deer Springs Road, is (19) Intensive Agriculture and the zoning is A70 Limited Agricultural Use Regulations.

Staff Presentation: Ramaiya

Proponents: 107; **Opponents:** 14

Discussion:

Staff recommends approval of this Major Use Permit. Both Staff and the applicant believe the proposed location is perfect for the facility and will allow the operators to provide many more services and programs for their clients, many of whom are autistic. The applicant's representatives and project proponents point out that autism is a growing population and this facility is sorely needed.

The Community Planning Group representative and other project opponents believe the project is a good one, just not appropriate in their community. They believe it will impact surrounding residents, particularly those with farms and other agricultural uses, mostly because of their need to use pesticides and fumigants occasionally. The applicant's representative and Staff both point out that the project site's design and setbacks provide more than ample buffers from

P02-019, Agenda Item 1:

the surrounding agricultural uses. In addition, written notice will be provided to clients regarding the adjacent agricultural uses. DPLU will monitor them, and the T.E.R.I. operators will schedule offsite sessions when chemicals are to be utilized by neighboring property owners. Commissioner Beck reminds those in attendance that organic farming is an option at their disposal.

Following public testimony, Commissioner Day announces his belief that concerns regarding possible impacts on agricultural uses and on traffic have been adequately addressed. He believes, like many of the Planning Commissioners, the project is vital to the community and this region and he and his fellow Commissioners commend the applicants for their endeavors in this field.

Action: Day – Brooks

Grant Major Use Permit P02-019, which makes the appropriate Findings and includes those requirements and Conditions necessary to ensure that the project is implemented in manner consistent with the Zoning Ordinance and State Law.

Discussion of the Action:

Chairman Riess is concerned that traffic in the area is already operating at LOS "F", but will concur with the overriding considerations.

Ayes:	6 -	Beck, Brooks, Day, Pallinger, Riess, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	1 -	Kreitzer

POD 08-005, Agenda Item 2:

2. **Proposed Zoning Ordinance Amendment, POD 08-005, Second Dwelling Units, Accessory Apartments, Countywide** (continued from November 7, 2008)

Proposed amendment to the San Diego County Zoning Ordinance to simplify the various accessory dwelling types. Zoning Ordinance Section 6156 identifies four types of accessory dwellings: Second Dwelling Units, Accessory Apartments, Accessory Living Quarters and Guest Living Quarters. DPLU is proposing to reduce the number of accessory units into two types: Second Dwelling Units and Guest Living Quarters, and proposing changes to the limitations on said units.

Staff Presentation: Steven, Farace

Proponents: 3; **Opponents:** 2

Discussion:

The Valle de Oro Planning Group chairman proposes that Staff's recommendations be modified to permit construction of an internally-accessed expansion of the primary dwelling unit, rather than construction of a permanent second dwelling unit. This expansion should be less than 630 square feet, could include a kitchenette, and should not be available for rent. The Planning Group chairman recommends allowing these expansions on lot sizes greater than one acre that don't conform to zoning lot size requirements. He believes there is no likelihood of renting these types of expansions because it would result in allowing renters to enter the primary residence.

Commissioner Woods does not believe the allowable square footage proposed by Staff is reasonable, especially in today's economy. Commissioner Pallinger concurs and suggests that Staff revisit the proposed recommendations. Commissioner Woods recommends appointing a subcommittee to work with Staff on the recommendations and Commissioner Brooks concurs. Commissioner Day believes Staff's proposal is an improvement of the existing Ordinance, but agrees that additional review is necessary.

POD 08-005, Agenda Item 2:

Action: Pallinger – Beck

Postpone further consideration of POD 08-005. Staff is to return on February 13, 2009. Commissioners Brooks, Pallinger and Woods will form a subcommittee to provide input on the issues raised today.

Ayes:	6 -	Beck, Brooks, Day, Pallinger, Riess, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	1 -	Kreitzer

P00-006W², Agenda Item 3:

3. Shady Grove, Major Use Permit Modification P00-006W², Fallbrook Community Plan Area (continued from November 7, 2008)

Proposed Major Use Permit Modification to revise previously proposed architectural designs and floor plans. Three new home types (1690, 1997 and 2275 square feet) would be added to the previously approved six home types and would apply to Lots 47-107 of the approved Tentative Map, TM5195RPL³. The project site is located at the southeast intersection of Gum Tree Lane and Stagecoach Lane, and is subject to the Country Town (CT) General Plan Regional Category and the (3) Residential Land Use Designation. The project site is zoned RR2, Rural Residential.

Staff Presentation: Gonzales

Proponents: 3; **Opponents:** 8

Discussion:

Staff provides a brief oral and visual presentation on the proposed redesigned architectural and floor plans, explaining that the modifications will not increase density or change the configurations of the current layout. Both the Fallbrook Planning Group and the Group's design review subcommittee recommend approval of this proposal. The applicant's representative also informs the Planning Commission that most of the road improvements and amenities for the approved subdivision have been completed.

Neighboring property owners voice concerns that smaller home sizes will not be compatible with the existing larger homes, and maintain that home sizes vary as much as 52%. They insist that property values have already been negatively impacted. Other neighboring property owners discuss the County's Minor Deviation process and insist that Plans 5 and 6 should never have been sought. Staff informs the Commission that the proposed project did not meet the Zoning Ordinance requirements for a Minor Deviation and, therefore, had to be processed as a Major Use Permit Modification.

P00-006W², Agenda Item 3:

Action: Day – Woods

Grant Major Use Permit Modification P00-006W², which makes the appropriate Findings and includes those requirements and conditions necessary to ensure that the project is implemented in a manner consistent with the Zoning Ordinance and State law.

Ayes:	5 -	Brooks, Day, Pallinger, Riess, Woods
Noes:	1 -	Beck
Abstain:	0 -	None
Absent:	1 -	Kreitzer

P03-004, Agenda Item 4:**4. Casa de Amparo, Major Use Permit P03-004, North County Metropolitan Subregional Plan Area (Continued from November 7, 2008)**

Proposed Major Use Permit to authorize the construction and operation of (1) a temporary shelter for children when it is unsafe for them to remain in the home; and (2) a child development center (daycare facility) for children whose safety at home is not a concern. The project site is 11.43 acres in size and is located on the south side of Buena Creek Road, approximately 1000 feet west of Twin Oaks Valley Road in the North County Metropolitan Subregional Plan Area. The site is subject to the County of San Diego General Plan Regional Category Estate Development Area (EDA), Estate Residential (17) Land Use Designation, and is zoned Limited Agriculture (A70).

Staff Presentation: Gonzales

Proponents: 32; **Opponents:** 38

Discussion:

The applicant informs the Commission that the proposed facility will provide training on prevention of child abuse, and treatment for those abused, and will house 60 children. The applicant's believe this proposal will allow these services to be accessible for all of the organizations involved in child protection. The applicant explains that the proposal meets all the medical, housing and educational needs of their child clients, and also provides parenting classes. No complaints have ever been recorded against their present facility or its programs, and the residents are constantly supervised, with visitors are carefully screened.

The Twin Oaks Valley Sponsor Group members maintain that the proposal is incompatible with the character of the community, and would be more appropriate at a different location. Project opponents are concerned that the proposal will significantly impact traffic circulation, but state the applicant has made no provisions for traffic improvements. They believe a traffic study should be required. Project opponents insist that the proposal doesn't comply with the goals and policies of the Twin Oaks Valley Community Plan, the North County Metropolitan Subregional Plan, or the County's Zoning Ordinance. They do not believe the Findings necessary to approve this Major Use Permit can be made, particularly with respect to the proposed scale and bulk of the facility. They also request that an EIR be required to address socio-economic impacts. Other

P03-004, Agenda Item 4:

project opponents believe the children residing in the facility will make their communities unsafe. Still others believe the children should be kept away from each other, as well as community residents.

Following public testimony, Commissioner Woods suggests that this proposal be sent back to Staff with a recommendation that Staff assist the applicant in preparing better public presentations. He and his fellow Commissioners believe the applicant's presentation was disjointed and lacked any discussion about land use. Commissioner Day believes the presentations provided by project proponents and opponents have all been ill prepared, but states the Staff Report didn't contain any concerns raised by project opponents that haven't been addressed. He reminds project opponents that proposals cannot be denied based on their fears. Commissioners Beck and Brooks concur with Commissioner Day's comments. Commissioners Day and Pallinger believe the project is approvable, based on Staff's Report.

Motion: Day – Pallinger

Grant Major Use Permit P03-004, which makes the appropriate Findings and includes those requirements and Conditions necessary to ensure that the project is implemented in manner consistent with the Zoning Ordinance and State Law.

Ayes:	2 -	Day, Pallinger
Noes:	2 -	Brooks, Riess
Abstain:	2 -	Beck, Woods
Absent:	1 -	Kreitzer

The Motion fails, resulting in denial of Major Use Permit P03-004.

Farm Program, Agenda Item 5:

5. San Diego Farming Program Plan, County-Wide

The Farming Program Plan represents the County's next step toward implementation of Board Policy I-133 to protect and enhance farming as a vital industry. A major goal of the Farming Program Plan is to make recommendations that further guide the implementation of an institutional government framework that will be responsive to local farmers and places an organization emphasis on the business of agriculture. Implementation of the Farming Program Plan will help contribute to an economically viable farming industry, help direct growth away from agricultural and natural areas, and provide regional conservation and support of habitat for plant and animal species.

Staff Presentation: Carmichael, Oberbauer

Proponents: 1; **Opponents:** 0

Discussion:

Commissioner Beck requests that consideration of this Item be continued to allow further review of Staff's recommendations.

Action: Day - Pallinger

Continue consideration of the Farming Program Plan to the meeting of December 19, 2008.

Ayes:	6 -	Beck, Brooks, Day, Pallinger, Riess, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	1 -	Kreitzer

P08-044, Agenda Item 6:

6. Foster Family Private Cemetery, Major Use Permit P08-044, Lakeside Community Plan Area

Proposed Major Use Permit for a Private Family Cemetery that consists of a 160 square-foot burial plot located on a lot with a private residence. The burial plot is located in a previously disturbed area and no grading or clearing is proposed. The project site is located at 11853 Oak Creek Drive, and contains an existing residence and two accessory structures that would be retained. Access is provided by a driveway that connects to Riverside Drive.

Staff Presentation: Brown

Proponents: 1; **Opponents:** 0

This Item is approved on consent.

Action: Beck – Pallinger

Grant Major Use Permit P08-044, which makes the appropriate Findings and includes those requirements and Conditions necessary to ensure that the project is implemented in manner consistent with the Zoning Ordinance and State Law.

Ayes:	6 -	Beck, Brooks, Day, Pallinger, Riess, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	1 -	Kreitzer

R06-012 and S06-036, Agenda Item 7:**7. Casa de Verde, Zone Reclassification and Site Plan R06-012/S06-036, Bostonia Community Plan Area**

Requested Zone Reclassification and Site Plan to authorize the development of a 13-unit, 2-story, multi-family 10,098 square-foot apartment complex with a managers office, storage area, trash enclosure, private yards and balconies, community courtyard and 23 onsite parking spaces. The Zone Reclassification would change the use classification from C36 (General Commercial) to C34 (General Commercial/Residential), allowing family residential development as a primary use. Density would increase from 4 du/acre with no minimum lot size to 32 du/acre with a minimum lot size of 0.5 acres. The setback designation would change from O to Q, reducing the rear-yard setback from 25 to 15 feet, and the building type would change from T to L, allowing the construction of all building types. In addition, the "D" Special Area Designator would be applied to the subject property, which will require a Site Plan for design review. The project site is located at 1121 North Greenfield Drive in the unincorporated portion of El Cajon.

Staff Presentation: Brown

Proponents: 1; **Opponents:** 0

This Item is approved on consent.

Action: Beck - Pallinger

Recommend that the Board of Supervisors:

1. Adopt the Ordinance changing the zoning classification of certain property in the Lakeside/Pepper Drive-Bostonia Community Plan Area; and
2. Approve Site Plan S06-036, and make the appropriate Findings and include those requirements and conditions necessary to ensure that the project is implemented in a manner consistent with the Zoning Ordinance and State law.

Ayes: 6 - Beck, Brooks, Day, Pallinger, Riess, Woods
Noes: 0 - None
Abstain: 0 - None
Absent: 1 - Kreitzer

P06-087, Agenda Item 8:**8. 94 Engineer Springs Wireless Telecommunication Facility, Major Use Permit P06-087, Jamul-Dulzura Subregional Plan Area**

Requested Major Use Permit to authorize the construction and operation of an unmanned wireless telecommunication facility. The facility will include 9 panel antennas and a microwave dish, attached to an existing 26' tall fiberglass water tank. Supporting equipment includes a 10' tall CMU equipment shelter, 2 air conditioning units, and an emergency backup generator, all surrounded by a 6' tall block wall with two solid metal access gates. The project is subject to the Rural Development Area (RDA) regional category of the General Plan, the (18) Multiple Rural Use Land Use Designation, and is zoned A72, General Agriculture. The project is located at Mother Grundy Road and SR-94.

Staff Presentation: Johnston

Proponents: 1; **Opponents:** 0

This Item is approved on consent.

Action: Beck – Pallinger

Grant Major Use Permit P06-087, which makes the appropriate Findings and includes those requirements and Conditions necessary to ensure that the project is implemented in manner consistent with the Zoning Ordinance and State Law.

Ayes:	6 -	Beck, Brooks, Day, Pallinger, Riess, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	1 -	Kreitzer

P05-027, Agenda Item 9:**9. Hagen Wireless Telecommunications Facility, Major Use Permit P05-027, North County Metropolitan Subregional Plan Area**

Requested Major Use Permit to authorize the construction and operation of an unmanned wireless facility. The facility includes a 50' tall mono-broadleaf tree onto which nine panel antennas will be mounted with three antennas in each of the three sectors. Associated equipment will consist of one equipment cabinet, one battery cabinet, one telco and PPC cabinet and an emergency generator plug. The associated equipment will be enclosed by an 8' tall CMU wall. The project will occupy 375 square-feet of the 4.45-acre parcel. The project site is subject to the Current Urban Development Area (CUDA) regional category, and the (6) Residential Land Use Designation. The site is zoned RS4 (Residential), and is located at 1366 Rock Springs Road in Escondido.

Staff Presentation: Chan

Proponents: 1; **Opponents:** 0

This Item is approved on consent.

Action: Beck – Pallinger

Grant Major Use Permit P05-027, which makes the appropriate Findings and includes those requirements and Conditions necessary to ensure that the project is implemented in manner consistent with the Zoning Ordinance and State Law.

Ayes:	6 -	Beck, Brooks, Day, Pallinger, Riess, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	1 -	Kreitzer

P04-059, Agenda Item 10:**10. Helen Woodward Animal Center, Major Use Permit P04-059, San Dieguito Community Plan Area**

Proposal to consolidate two previously approved Major Use Permits (P74-170W¹ and P83-013) into a facility governed by a single Major Use Permit for the Helen Woodward Animal Center. The Use Permit includes the existing facility and operations as well as an expansion from approximately 120,710 square feet to approximately 141,670 square feet. The expansion will allow several of the existing outdoor uses such as the pet adoption center and dog kennels/pet boarding operation to be moved into the new buildings. The project will result in the demolition of several structures, construction of three new structures, and renovation of the existing Building 2 with associated barn and horse stalls. The project includes 256 parking spaces and associated landscaping. The easterly driveway on El Apajo Road will be removed; the project will only take access from one driveway connecting San Dieguito Road and one driveway connecting to El Apajo Road. The project site is located at 6461 El Apajo Road.

Staff Presentation: Griffith

Proponents: 4; **Opponents:** 0

This Item is approved on consent.

Action: Beck – Pallinger

Grant Major Use Permit P04-059, which makes the appropriate Findings and includes those requirements and Conditions necessary to ensure that the project is implemented in manner consistent with the Zoning Ordinance and State Law.

Ayes:	6 -	Beck, Brooks, Day, Pallinger, Riess, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	1 -	Kreitzer

P03-102, Agenda Item 11:

11. Ridge Canyon Wireless, Major Use Permit P03-102, Valley Center Community Plan Area

Proposed Major Use Permit to authorize the construction and operation of an unmanned wireless telecommunications facility at 26945 Valley Center Road. The facility will include a 50' tall faux broadleaf tree, onto which 12 panel antennas will be mounted, and associated equipment. The project site is subject to the Country Towns (CT) General Plan Regional Category, the (18) Multiple Rural Use Land Use Designation, and is zoned A70 (Limited Agriculture).

Staff Presentation: Lubich

Proponents: ; **Opponents:**

This Item is approved on consent.

Action: Beck – Pallinger

Grant Major Use Permit P03-102, which makes the appropriate Findings and includes those requirements and Conditions necessary to ensure that the project is implemented in manner consistent with the Zoning Ordinance and State Law.

Ayes:	6 -	Beck, Brooks, Day, Pallinger, Riess, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	1 -	Kreitzer

P07-014, Agenda Item 12:**12. Brecht Wireless Telecommunications Facility, Major Use Permit P07-014, Valley Center Community Plan Area**

Requested Major Use Permit to expand and upgrade an existing unmanned wireless telecommunications facility at 14105 Calle De Vista. This Permit supersedes Minor Use Permit ZAP 94-009. The project consists of replacing three roof-mounted whip antennas with six panel antennas mounted behind a Radio Frequency transparent screen which surrounds a faux chimney on the roof of the existing single-family residence. The faux chimney will be painted and textured to match the existing residence. The project also consists of replacing an existing equipment shelter with a new 12' x 20' x 13'11" custom-built equipment shelter. The project site is subject to the Estate Development Area (EDA) General Plan Regional Category, and the (17) Estate Residential Land Use Designation. Zoning for the site is A70, Limited Agriculture.

Staff Presentation: Lubich

Proponents: 1; **Opponents:** 0

This Item is approved on consent.

Action: Beck – Pallinger

Grant Major Use Permit P07-014, which makes the appropriate Findings and includes those requirements and Conditions necessary to ensure that the project is implemented in manner consistent with the Zoning Ordinance and State Law.

Ayes:	6 -	Beck, Brooks, Day, Pallinger, Riess, Woods
Noes:	0 -	None
Abstain:	0 -	None
Absent:	1 -	Kreitzer

Quarterly Report, Agenda Item 13:

13. County Counsel's Quarterly Report

County Counsel's quarterly report to the Commission on legal developments in planning and land use, covering the period from July through September, 2008.

Staff Presentation: Anzures for Taylor (OCC)

Proponents: 0; **Opponents:** 0

Discussion:

Counsel provides a very brief quarterly review of legal developments in land use and planning.

Administrative:

F. Director's Report:

None.

G. Report on actions of Planning Commission's Subcommittees:

No Reports.

H. Designation of member to represent the Planning Commission at Board of Supervisors meeting(s):

No Board of Supervisors meetings are scheduled prior to the Planning Commission's December 19, 2009 meeting.

I. Discussion of correspondence received by the Planning Commission:

There was none.

J. Scheduled Meetings:

December 19, 2008	Regular Meeting, 9:00 a.m., DPLU Hearing Room
January 9, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
January 23, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
February 13, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
February 27, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
March 13, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
March 27, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
April 10, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
April 24, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
May 8, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room

Administrative:

May 22, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
June 5, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
June 19, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
July 10, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
July 24, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
August 7, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
August 21, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
September 4, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
September 19, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
October 2, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
October 16, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
October 30, 2009	Planning Commission Workshop, 9:00 a.m., DPLU Hearing Room
November 13, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
December 4, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room
December 18, 2009	Regular Meeting, 9:00 a.m., DPLU Hearing Room

There being no further business to be considered at this time, the Chairman adjourned the meeting at p.m. to 9:00 a.m. on , 2008 in the DPLU Hearing Room, 5201 Ruffin Road, Suite B, San Diego, California.